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| APPLICATION NO.                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/501,082                                       | 07/09/2004  | Yasushi Katayama     | 254519US6PCT        | 3119             |
| 22850  | 7590        | 09/26/2008           |                     |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. |             |                      |                     | EXAMINER         |
| 1940 DUKE STREET                                 |             |                      |                     | MUSA, ABDELNABO  |
| ALEXANDRIA, VA 22314                             |             |                      |                     | ART UNIT         |
|  |             |                      |                     | PAPER NUMBER     |
|  |             |                      |                     | 2146             |
| NOTIFICATION DATE                                |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/501,082 | <b>Applicant(s)</b><br>KATAYAMA, YASUSHI |
|                              | <b>Examiner</b><br>ABDELNABI O. MUSA | <b>Art Unit</b><br>2146                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 July 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9,11,12,21,23,24, 27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9,11,12,21,23,24 and 27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/21/2008

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Acknowledgment is made for the applicant's response and amendment filed on 07/10/2008.

**Remarks**

2. Claims 1-8, 10, 13-20, 22 and 25-26 have been canceled from the instant application.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 11-12, 21, 23-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. Pub. No (US. 2002/0069408 A1) and in view of Freed et al. Patent No. (US 7,073,055 B1).

As per **claim 9** Abe teaches an information processing apparatus comprising:  
a data reception unit (355);  
a rule decision processing unit (22) configured to determine whether data processing (44) based on a data processing request (S470,413) received via the data reception unit (355) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing unit (44) configured to execute data processing based on the determination of the rule decision processing unit (22) (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

the rule decision processing unit (22) is configured to execute determination processing for determining whether or not the processing according to the processing request is (S470) to be executed based on a rule deciding condition (22) descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted form database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication data in computer networks especially in remote server to process execute and configure data communications (Col.1, Line 5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

As per **claim 11** Abe teaches the information processing apparatus according to claim 9, wherein:

    said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (S470, 413); and  
    said rule decision processing unit (22) is configured to generate a random number (206) (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008][0017] FIG.26), and to execute determining processing for determining whether or not the processing according to a processing request is to be executed based on a comparison (204) between the generated random number (206) and said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) but does not teach the *specifics* on generating a random number for the rule decision processing unit to determine the data destination. However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

    It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 12** Abe teaches the information processing apparatus according to claim 9, wherein:

    said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (413); and

    said rule decision processing unit (22) is configured to perform hash value calculation (20) processing based on the data processing request (S470,413) storing data (103,11), and to execute determining processing (44) for determining whether or not the processing according to a processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33) but does not teach the *specifics* on performing hash value calculation processing. However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

    It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

As per **claim 21** Abe teaches a data processing method for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, comprising:

a rule decision processing step (22) for determining whether data processing (44) based on the data processing request (S470) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing (44) step for executing data processing based on the determination of the rule decision processing step (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

the rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (processing information based on a commercial messages probability value extracted form database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication data in computer networks especially in remote server to process execute and configure data communications (Col.1, Line5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

As per **claim 23** Abe teaches the data processing method according to claim 21, wherein:

    said rule deciding condition descriptor is included in the data processing request (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008] [0017] FIG.26); and  
    said rule decision processing step generates a random number and determines whether or not the processing according to the processing request is to be executed based on a comparison between the generated random number and the said rule deciding condition descriptor (information descriptors [0367] [0387] [0389]) but does not teach the *specifics* on generating a random number for the rule decision processing unit to determine the data destination. However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any

processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 24** Abe teaches the data processing method according to claim 21, wherein:

    said rule deciding condition (22) descriptor information descriptors [0367] [0387] [0389]) is included in the data processing request (413); and  
    said rule decision processing step executes hash value calculation processing (44) based on the data processing request storing data, and determines whether or not processing according to the processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33) but does not teach the *specifics* on performing hash value calculation processing. However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

    It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule

decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

As per **claim 27** Abe teaches A computer-readable storage medium including a computer program for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, when executed by a processor, causes the process to perform a method comprising:

    a rule decision processing (22) step for determining whether the data processing (44) based on the data processing request (S470) is to be executed; and

    a data processing (44) step for executing the data processing based on the determination of the rule decision processing step (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19), wherein

    the rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted from database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing

information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication data in computer networks especially in remote server to process execute and configure data communications (Col.1, Line5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

#### ***Response to Arguments***

Applicant's arguments filed 07/10/2008 have been fully considered but they are not persuasive. The amendment submitted by the applicant does not overcome the rejection made by the examiner in the last office action. The applicant's argument has been considered carefully and does not provide the evidence for lack of motivation. Also considering the following previously presented prior arts in previous office actions:

- Ito et al Patent No. (US 6,085,019)
- Jeyachandran et al. Patent No.: (US 6,567,176 B1)
- Miyoshi et al. Pub. (US. No. 2003/0179861 A1)

However, Applicant recites that the references do not disclose, teach or suggest the following argument;

- **Argument -1**

Applicant recites that the references do not disclose, teach or suggest "a rule decision processing unit configured to determine whether data processing based on a data processing request received via the data reception unit is to be executed"

- **Response to Argument -1**

In contrary, the cited art, specifically Abe, teaches a rule decision unit 22 that is fed with an information candidate table 21 obtained by score decision in the supplementary condition decision unit 21 to output the information start time and length as the ultimate detection output 4a by pre-set rule decision which will not execute unless those conditions are met. That is, the rule decision unit 22 decides by rule processing which one information should process. Considering FIG. 19, the processing in the rule decision unit 22 after rule decision at step S72 transfers to step S73 where the rule decision unit 22 verifies whether or not to execute and process information before outputting it decides based on the rules set to whether erases or retrieves the candidate information from the table then revert to step S70 or retrieves the table ([0214] FIG.19) Given in FIG. 13, the operation of a frame-based inputting and outputting is executed, byway of a buffer shifting processing and feature value inputting processing. More specifically, the execution is based on the condition decision unit 21 in accordance with a given set of rules not constantly processing information a threshold value functions executes and processes information based on a score value given whereas the decision unit 21 decides the probable candidate to process and outputs the results in a table 21a ([0164] [0196] [0193] FIG.13)

The examiner interpreted the claims to its broadest reason interpretation and has taken the language of the claims *As Written*, considering the invention as a whole. Accordantly amendment to the claims with additional language from the specification would place the application in better form and might overcome the art cited.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action

The examiner requests, in response to this Office action, support should be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to

page(s) and line(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday Thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.M

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146